



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s) Robert Michael Blood
Abed Charamand

Serial No. 09/648947

Filing Date August 25, 2000

Title Aircraft Cabin Telephony Test Unit

Attorney Docket No.: 113250

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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D. C. 20231

DECLARATION OF FACTS UNDER 37 C.F.R. 1.47(a)

SIR:

I, Thomas M. Isaacson, hereby declare and say that:

1. I am the duly authorized representative of the applicants in the above-identified application and, as such, I am familiar with, and have first-hand knowledge of, the facts recited below.
2. The above-identified application, as originally filed, included the name of Abed Charamand as a joint co-inventor.
3. The joint inventor, Abed Charamand, refuses to sign the Oath or Declaration as required under 37 C.F.R. 1.63.
4. A "bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and oath or declaration) to the non-signing inventor for signature". (M.P.E.P. 409.03 (d)). The exact facts which are relied upon to establish this "bona fide attempt" to have the joint inventor Abed Charamand sign the Oath or Declaration as follows:

a) On October 7, 1999, Christopher J. Hamaty, applicant's outside counsel contacted Mr. Charamand, regarding signing formal papers for the present application. Mr. Charamand indicated that he no longer worked for AT&T and hesitated signing formal papers. (See attached Exhibit A)

b) Abed Charamand did not sign the Declaration form. The reason he gave for refusing to sign (M.P.E.P. 409.03(d)) was that he was promised additional compensation by Mr. Jim Haarbauer, who had been Mr. Charamand manager, for which he has not been paid. This reason was expressed to Paul Qualey, another outside counsel attorney writing to Abed Charamand, as evidenced by a December 7, 1999, letter to Mr. Charamand from Glenn J. Blumstein, in-house attorney for applicant. (See attached Exhibit B)


c) Also as evidenced by Glenn Bloomstein's December 7, 1999 letter, applicant informed Mr. Charamand after investigation that Mr. Haarbauer maintains that he never promised such additional compensation.

d) Again, on July 27, 2000 outside counsel forwarded correspondence to Mr. Charamand, requesting him to sign the application papers that he had been sent. (See attached Exhibit C)

e) On or about August 23, 2000 I had a telephone discussion with Mr. Charamand and again asked him to sign the Declaration form. He told me he would refuse to do sign the forms but maintains that he was promised additional compensation. I reminded him of his employee agreement and contractual obligation to assign the invention but he nevertheless resisted.

6. Based on the foregoing sequence of events, and copies of the documentary evidence submitted herewith, the undersigned believes that the inventor's conduct constitutes a refusal to sign.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.


Thomas M. Isaacson
Attorney

10/16/00
Date



IDS-113250

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Declaration and Power of Attorney

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "AIRCRAFT CABIN TELEPHONY TEST UNIT" the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Alfred G. Steinmetz	(Reg. No. 22,971)
Samuel H. Dworetsky	(Reg. No. 27,873)
Robert Levy	(Reg. No. 28,234)
Thomas A. Restaino	(Reg. No. 33,444)
Cedric G. DeLaCruz	(Reg. No. 36,498)
Jose A. De La Rosa	(Reg. No. 34,810)
Michele L. Conover	(Reg. No. 34,962)
Christopher A. Hughes	(Reg. No. 26,914)
Christopher J. Hamaty	(Reg. No. 37,634)

Please address all correspondence to: **Samuel H. Dworetsky, AT&T Corporation, P.O. Box 4110, Middletown, New Jersey 07748.** Telephone calls should be made to: **Christopher J. Hamaty** by dialing Area Code (202) 857-7887.

Full name of 1st joint inventor: **Robert Michael Blood**

Inventor's signature  Date 11 Dec '99

Residence: 11830 36th Avenue, S.E., Everett, Snohomish County, Washington 98208-5324, U.S.A.

Citizenship: U.S.A.

Post Office Address: 11830 36th Avenue, S.E., Everett, Washington 98208-5324, U.S.A.



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Full name of 2nd joint inventor: **Abed Charamand**

Inventor's signature _____ Date

Residence: **2375 Walnut Avenue, Upland, Los Angles County, California 91784, U.S.A.**

Citizenship: **U.S.A.**

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